

Cr. Revision No.288 of 2000 (P)  
In the matter of an application under Sections 397 and 401 of the Code  
of Criminal Procedure

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1.Kartik Bhagat, son of late Halkhoura Bhagat  
2.Vijay Bhagat, son of Kartik Bhagat  
3.Hir Bhagat, son of Kartik Bhagat  
All resident of Village-Kasia Dangal, P.S. Godda (T), District-Godda  
... .. Petitioners

Versus

The State of Bihar now Jharkhand ... .. Opposite Party

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For the Petitioners : Mr Manoj Kumar Sah, Advocate  
For the State : Mr. Shekhar Sinha, A.P.P

**Present:**

**HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**

Heard Mr. Manoj Kumar Sah, learned counsel for the petitioner  
and Mr. Shekhar Sinha, learned A.P.P. for the State.

This application is directed against the judgment and order of  
conviction and sentence dated 15.03.2000 passed by the learned 1<sup>st</sup>  
Additional Sessions Judge, Godda in Cr. Appeal No. No.76/1997 by  
293 of 1998 by which the judgment of the learned trial court dated  
08.09.1997 passed by the learned Judicial Magistrate, 2<sup>nd</sup> Class,  
Godda in G.R. Case No.277 of 1996 by T.R. No.80 of 1997 has been  
affirmed.

This application was admitted on 12.07.2000 on the question of  
sentence. It appears that the learned trial court has sentenced the  
petitioner to undergo simple imprisonment for a period of 9 months  
under sections 323, 325 and 34 of the IPC.

It has been stated by the learned counsel for the petitioners that  
the petitioners are facing rigours of the prosecution case since the year  
1996 and in fact with the passage of time, the petitioners have become  
old. Considering the pendency of this revision application as well as  
the time it consumed in the trial and the appeal, the period of sentence  
of the petitioners be sufficiently reduced as the petitioners by remaining  
sometime in custody have been sufficiently punished.

Learned A.P.P. appearing on behalf of the State has opposed  
the prayer made by the petitioner.

It appears that out of maximum sentence of 9 months as has  
been awarded by the learned trial court, the petitioners have remained  
for sometime in custody.

The petitioners are facing rigours of trial for long and considering the nature of allegation levelled, it would be travesty of justice if the petitioners are directed to surrender and serve out the rest period of sentence.

In such circumstances, therefore, this application is disposed of by reducing the period of sentence awarded to the petitioners to the period already undergone.

(Rongon Mukhopadhyay, J)

*High Court of Jharkhand at Ranchi*  
*The 30th day of January, 2017*  
Rohit/NAFR/